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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,059	06/28/2001	William Lawrence Morrison		4209

7590 03/20/2002
William L. Morrison
1023 W. Crescent Ave.
Park Ridge, IL 60068

EXAMINER

ROBINSON, MARK A

ART UNIT	PAPER NUMBER
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2872

DATE MAILED: 03/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,059

Applicant(s)

MORRISON, WILLIAM
LAWRENCE

Examiner

Mark A. Robinson

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims recited "suitable" mounting means for the mirrors. However, "suitable" is a relative term which would depend upon the particular characteristics or function of the mirrors. Accordingly, use of such a term fails to structurally define the present invention in a precise manner.

Further, claim 2 is not a proper method claim because it contains no active method steps (e.g. "comprising the step of mounting a mirror...").

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2872

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Jackson.

Jackson shows a mirror system for a vehicle including first rearview mirror(13) and second back-up mirror(14,30,31) mounted behind the first mirror near a rear window and generally facing a side of the vehicle. Note that Jackson teaches that the second mirror may be located inside the vehicle (see column 4 line 32). The recited function of aiding a driver in viewing oncoming traffic is a statement of intended use which does not further limit the present invention in a structural manner. As the device of Jackson is capable of performing this function, Jackson anticipates the claims.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Yue.

Yue shows a mirror system for a vehicle including first rearview mirror (note the conventional mirror discussed in the background) and second back-up mirror(5) mounted behind the first mirror near a rear window and generally facing a side of the vehicle (note fig. 4). The recited function of aiding a

Art Unit: 2872

driver in viewing oncoming traffic is a statement of intended use which does not further limit the present invention in a structural manner. As the device of Yue is capable of performing this function, Yue anticipates the claims.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Rubin.

Rubin shows a mirror system for a vehicle including first rearview mirror(15) and second back-up mirror(122) mounted behind the first mirror near a rear window and generally facing a side of the vehicle (note fig. 9). The recited function of aiding a driver in viewing oncoming traffic is a statement of intended use which does not further limit the present invention in a structural manner. As the device of Rubin is capable of performing this function, Rubin anticipates the claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guthrie and Harris, Jr. et al both show mirror mounted near rear windows of vehicles. Bracamonte shows a mirror system for aiding a driver in backing a vehicle.

Art Unit: 2872

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Robinson whose telephone number is (703) 305-3506.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cassandra Spyrou can be reached at (703) 308-1687. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Mark Robinson
Patent Examiner
Art Unit 2872
3/15/02